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THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT
OF A FIRM AND LASTING PEACE AND
PROGRESS IN FASHIONING A REGION
OF PEACE, FREEDOM, DEMOCRACY AND
DEVELOPMENT

SECURITY COUNCIL
Fifty-first year

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 50/220 of 3 April 1996, in which the Assembly decided to authorize the renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) for a further period of 9 months and 13 days, that is until 31 December 1996, and requested me, inter alia, to keep the Assembly fully informed of the implementation of the resolution.

2. Since my last report on the activities of MINUGUA (A/50/881), the peace process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) has made considerable headway. I have reported on a regular basis to the General Assembly on this progress, in particular in my latest report on the situation in Central America, which covered developments until September 1996 (A/51/338, paras. 31-39). In that report, I stressed the importance of the agreement on social and economic aspects and the agrarian situation, signed at Mexico City on 6 May 1996. Another major agreement was signed at Mexico City on 19 September 1996 namely the agreement on the strengthening of Civilian Power and on the role of the armed forces in a democratic society (A/51/410-S/1996/853, annex). It contains a comprehensive set of provisions for the strengthening of democratic institutions in Guatemala, including the executive branch, the legislature and the judiciary. In the context of ending 35 years of armed conflict, it emphasizes in particular the

need to overhaul the security functions of the State: under a reformed Constitution, the police are to be restructured, strengthened and consolidated in a new National Civil Police, which will assume responsibility for internal security; intelligence gathering activities are to be reorganized and regulated; and the army will limit its role to external defence and will adjust its doctrine, training, deployment, size and budget accordingly. The signing of the agreement has opened the way for the final phase of the negotiations, namely the consideration of the cluster of so-called "operative" issues, which include the definitive ceasefire, the reinsertion of URNG and the timetable for implementation and verification of the peace agreements.

3. In late October, as consideration of these issues began, the negotiating process was shaken by the news that a senior field commander of one of the four factions which make up URNG had been involved in the kidnapping of an elderly woman in Guatemala City. In addition to being a serious violation of the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I), this action was in stark contradiction with the spirit that had characterized the peace process throughout the year and with the confidence-building measures pledged by both sides. The incident affected the process all the more severely as there is widespread outrage in Guatemala at the wave of kidnappings that has afflicted the country in recent months. On 29 October, in a public statement, I deplored the incident and its damaging consequences for the negotiating process and I called upon URNG to take the action necessary to restore conditions in which a final peace agreement could promptly be reached. Between 30 October and 7 November, the URNG leadership issued several public statements in which it acknowledged and lamented the involvement of URNG members in the kidnapping; offered, as a confidence-building measure, to suspend all armed propaganda activities and other acts that could affect the peace process; proposed that negotiations resume with priority being given to the negotiation of the definitive ceasefire; and announced that the leader of the faction to which the kidnapper had belonged would withdraw from the negotiating table. As a result, negotiations resumed at Mexico City on 9 November and the parties quickly reached an understanding about the substantive provisions of the agreement on the definitive ceasefire.

4. In view of the progress made, the two parties confirmed on 11 November that, as they had stated on 6 August, conditions existed to reach agreement on all pending items of the negotiating agenda by the end of December 1996. Specifically, they agreed to sign the agreement on a firm and lasting peace at Guatemala City on 29 December 1996. They have since adopted the following schedule for the signing of the remaining agreements: the agreement on the definitive ceasefire is to be signed at Oslo on 4 December 1996; the agreement on constitutional reforms and the electoral regime is to be signed at Stockholm on 7 December 1996; and the agreement on a basis for the reintegration of URNG into political life is to be signed at Madrid on 12 December 1996. The agreement on the timetable for the implementation and verification of the peace accords will be signed in Guatemala City on 29 December 1996 together with the agreement on a firm and lasting peace.

5. The progress made at the negotiating table has been accompanied by tangible progress in compliance with the Comprehensive Agreement on Human Rights. MINUGUA's fifth report (A/50/1006 of 19 July 1996) covered human rights

verification and institution-building activities from 1 January to 30 June 1996. Its sixth report, covering the period from 1 July to 31 December 1996, will be issued in January 1997. MINUGUA has observed that since the informal cessation of military activities by the parties in late March 1996, there have been no military or civilian casualties related to the armed confrontation. In the context of this de facto cessation of the war and progress at the negotiating table, the Government has started a programme to disarm and demobilize the paramilitary "Voluntary Civil Defence Committees". Under the provisions of the agreement on the strengthening of civilian power and on the role of the armed forces in a democratic society, that programme is to be completed 30 days after the signing of the final peace agreement. It is also significant that during its first year in power the Government has made a major effort to combat crime, corruption and impunity and has removed from office or sanctioned a number of high-ranking officials who appeared to be involved in criminal activities.

6. While these initiatives demonstrate the Government's firm decision to fight impunity, they have also drawn attention to the gravity of the problem and the magnitude of the effort required to correct long-standing deficiencies in institutions entrusted with preventing, investigating, prosecuting and punishing crime and human rights abuses. In a situation in which respect for human rights is still precarious, the continuing efforts of President Alvaro Arzú's Government are to be commended and should receive full support from the international community.

7. The role of MINUGUA has evolved with the positive changes registered in Guatemala. Verification of complaints received has revealed specific weaknesses in the areas of the administration of justice and law enforcement and pointed to the need to strengthen the relevant institutions. Thus, the Mission has placed increasing emphasis on its institution-building role. In particular, there has been significant progress in pilot projects to improve the efficiency of, and access to, the administration of justice. Progress has also been made in assisting the legislative reform of the judicial system, which is to be implemented in 1997. The demand for participation in institution-building activities by non-governmental organizations has steadily increased. There continues to be very positive cooperation between the Joint Unit of MINUGUA and the United Nations Development Programme (UNDP) and the institutions and entities concerned. With its verification activities, its technical assistance and its nationwide deployment, MINUGUA has continued to be a key factor in the peace process throughout 1996.

8. Under the terms of section I of General Assembly resolution 50/216 of 23 December 1995, the Secretary-General had been authorized to enter into commitments in an amount not exceeding a monthly level of US$ 2,329,700 (net of staff assessment) in the event of an extension of MINUGUA beyond 31 March 1996. The total commitment thus authorized by the General Assembly for MINUGUA during its current period, between 1 April and 31 December 1996, amounts to $20,967,300 net ($22,704,800 gross).

9. As mentioned in paragraph 4 above, the parties have announced that the final peace agreement will be signed on 29 December 1996. On that day, the full package of peace accords will enter into force. This will represent a major challenge for the parties, in particular for the Government, which has most of

the responsibility for implementation. It will also represent a challenge to the United Nations, which was requested by the parties to the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994 (A/49/61-S/1994/53, annex) and all subsequent agreements to carry out international verification of the peace accords. The international community will also be called upon to assist the parties in complying with their undertakings. The Secretariat and MINUGUA have been studying how verification can be most effectively carried out. Final recommendations regarding the mandate and structure of the verification mission cannot, however, be completed until all agreements, and in particular the agreement on the timetable for implementation and verification, have been signed.

10. As the package of peace agreements is not expected to be finalized until late December and the current mandate of MINUGUA expires on 31 December 1996, I recommend to the General Assembly that the mandate be extended for a further period of three months, that is, until 31 March 1997, during which time the Mission should be maintained at its current strength. This will allow time for the preparation of detailed recommendations on how the structure and staffing of MINUGUA should be redesigned to enable the Mission to fulfil its new responsibilities.

11. As regards the Mission's tasks, it is anticipated that the future agreement on the timetable for implementation and verification of the peace accords will provide for a number of urgent measures of implementation to be taken before 31 March 1997. These will fall outside the current mandate of MINUGUA, which relates exclusively to the implementation of the Comprehensive Agreement on Human Rights and the human rights aspects of the agreement on identity and rights of indigenous peoples. With the consent of both parties, I recommend that MINUGUA be authorized, on an exceptional basis, to verify implementation of all such urgent measures during this three-month period within its existing capabilities.

12. Verification of measures related to the agreement on the definitive ceasefire will also be required very soon after signature of the overall package of peace accords. This will involve the deployment of United Nations military personnel to verify the ceasefire, the separation of forces and the demobilization of URNG combatants.